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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,665	12/18/2000	William B. Douglas	Essent.01USUI	7055

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EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 03/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/741,665

Applicant(s)

DOUGLAS, WILLIAM B.

Examiner

Rob Rhode

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19 - 36 is/are pending in the application.
- 4a) Of the above claim(s) 22, 23, 25, 28 - 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19 - 21, 24, 26 - 27, 34 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 19-36 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: 10/7/04
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Newly submitted claims 19 – 36 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims, which include the species of Group I, claims 22 – 25, which is a payment method, Group II, claims 29 and 31 – 34, which is performance of the supplier and Group III, claims 35 – 36, which is a method for electronic transmitting of Purchase Orders. Applicant has selected claim 24 from Group I, claims 27 and 34 from Group II and claim 36 from Group III.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 22, 23, 25, 28 – 33 and 35 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Response to Amendment***

Applicant amendment of 10-14-04 canceled claims 1 – 18 and added new claims 19 - 36.

Currently, claims 19 - 21, 24, 26 – 27, 34 and 36 are pending.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 19 – 21, 24, 26 – 27, 34 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Washer Wars Spin on Investor Cycle, Whirlpool, Maytag Battle on Own Terms; Chicagoland; Sallie Gaines; Chicago Tribune; Oct 31, 1999 and screen shots of Sears.com captured via the WayBackMachine (archieve.org) and hereafter collectively referred to as “Sears” in view of Doyle (US 5,694,551).**

Regarding claim 19 (New), Sears teaches a method of selling goods through an electronic blind supply open commerce computer business system comprising: an online method of selling goods that does not reveal the identity of said suppliers so that said suppliers remain anonymous to purchasers at all times while said goods are listed on said system and after said goods are sold (Page 2 and 6). Please note that Sears sells numerous manufacturers products and they also resell products manufactured by others, which include their own brand name such as Kenmore. In this example, Whirlpool is resold to the public as the Sears brand Kenmore after marking up the price and the average consumer has no idea that someone else manufactured these products before or after the sale and thereby maintaining anonymity of the identity

of the manufacturer. Moreover it is well known too that Sears also sells their own brand of tools such as Craftsman online, which are manufactured by a supplier and the supplier, remains anonymous to the consumer during and after the sale.

While the online selling method of Sears would include many of these functions, the reference does not specifically disclose and teach a method comprising receiving product information for said goods that is uploaded by suppliers over a network to said computer business system, which includes product manufacturer information, product identification information and a price specified by said suppliers for said goods; marking up said price specified by said suppliers in said system to a sales price; automatically generating entries in said system that include said sales price, said product identification information, said product manufacturer information and listings of goods by said suppliers that distinguish said goods listed by said suppliers; making said listings of goods available to said purchasers on said computer business system through a network connection to allow said purchasers to purchase said goods at said sales price; automatically accepting a sales order on said computer business system from a qualified purchaser that includes a purchase price that satisfies said sales price; automatically generating a purchase order on said computer business system in response to said sales order that includes said product information and said price specified by said supplier for said goods; electronically transmitting said purchase order to said supplier; accepting a supplier invoice from said supplier that is generated in response to said purchase order, said purchase order being transmitted by said system

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to said supplier from said computer system; completing the sale of said goods using said electronic blind supply open commerce business computer system.

On the other hand and in the same area of selling and ordering goods through an electronic supply open commerce computer system, Doyle teaches a method comprising:

receiving product information for said goods that is uploaded by suppliers over a network to said computer business system, which includes product manufacturer information, product identification information and a price specified by said suppliers for said goods (see at least Abstract and Col 3, lines 56 – 58 and Col 4, lines 29 – 30);

marking up said price specified by said suppliers in said system to a sales price (see at least Col 7, lines 61 – 64);

automatically generating entries in said system that include said sales price, said product identification information, said product manufacturer information and listings of goods by said suppliers that distinguish said goods listed by said suppliers (see at least Col 7, lines 61 – 63 and Col 8, lines 61 – 67);

making said listings of goods available to said purchasers on said computer business system through a network connection to allow said purchasers to purchase said goods at said sales price (see at least Col 2, line 58);

automatically accepting a sales order on said computer business system from a qualified purchaser that includes a purchase price that satisfies said sales price (see at least Col 5, lines 22 – 26 and Col 7, lines 57 – 64);

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automatically generating a purchase order on said computer business system in response to said sales order that includes said product information and said price specified by said supplier for said goods (see at least Col 3, lines 52 – 55); electronically transmitting said purchase order to said supplier (see at least Col 3, lines 52 – 55); accepting a supplier invoice from said supplier that is generated in response to said purchase order, said purchase order being transmitted by said system to said supplier from said computer system (see at least Col 2, lines 42 – 49 and Col 7, lines 20 - 23); completing the sale of said goods using said electronic blind supply open commerce business computer system (see at least Abstract).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Sears with the method of Doyle to have enabled a method for selling goods that does not reveal the identity of said suppliers so that said suppliers remain anonymous to purchasers at all times while said goods are listed on said system and after said goods are sold. Sears teaches a method that does not reveal the identity of said suppliers so that said suppliers remain anonymous to purchasers at all times while said goods are listed on said system and after said goods are sold (Page 2 and 6). Doyle discloses a method of selling goods through an electronic blind supply open commerce business system comprising: marking up said price specified by said suppliers in said system to a sales price; automatically generating entries in said system that include said sales price, said product identification information, said product

manufacturer information and listings of goods by said suppliers that distinguish said goods listed by said suppliers; making said listings of goods available to said purchasers on said computer business system through a network connection to allow said purchasers to purchase said goods at said sales price; automatically accepting a sales order on said computer business system from a qualified purchaser that includes a purchase price that satisfies said sales price; automatically generating a purchase order on said computer business system in response to said sales order that includes said product information and said price specified by said supplier for said goods; electronically transmitting said purchase order to said supplier; accepting a supplier invoice from said supplier that is generated in response to said purchase order, said purchase order being transmitted by said system to said supplier from said computer system; completing the sale of said goods using said electronic blind supply open commerce business computer system (see at least Abstract, Col 2, lines 16 – 21 and Figure 2). Therefore, one of ordinary skill in the art would have been motivated to extend the method of Sears with a method that includes all the additional recited functions in the claimed method. Thereby too, the name of the manufacturer does not unduly influence the selection of a supplier/manufacturer by the buyer at the sellers site as well as enhancing the brand name of the seller such as Sears.

Regarding claim 20 (New), Doyle teaches a method wherein said process of paying said supplier comprises the process of paying said supplier after said purchaser accepts said goods (Col 7, lines 20 – 67).



Regarding claim 21 (New), Doyle teaches a method wherein said process of accepting shipment information comprises the process of accepting a shipping tracking number, shipping method, and ship date (Col 2, lines 16 – 21 and Col 3, line 1). Please note that Doyle does not specifically disclose shipping method or date. However, Doyle does disclose shipment tracking. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Doyle with shipping method and date in order to increase customer satisfaction regarding their order status.

Regarding claim 24 (New), Doyle teaches a method wherein said process of accepting payment comprises the process of accepting an electronic funds transfer (Col 2, line 64).

Regarding claim 26 (New), Doyle teaches a method wherein said process of generating a listing in said system comprises the process of generating a listing that includes product information comprising the manufacturer of the goods and a part number (Abstract and Col 3, lines 15 – 17).

Regarding claim 27 (New), Doyle teaches a method wherein said product information further comprises a product description, product specifications, and product category information (Col 3, lines 15 – 17 and Figure 13).

Regarding claim 34 (New), Doyle teaches a method wherein said purchasers access said system via a corporate procurement system of said purchaser (Abstract).

Regarding claim 36 (New), Doyle teaches a method, wherein said process of electronically transmitting said purchase orders comprises the process of e-mailing said purchase orders (Col 1, lines 33 – 34). Please note that Doyle does not specifically disclose email. However, Doyle does disclose electronic transmission of the PO via fax. In that regard, it would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to have extended the method of Doyle with email. Moreover, email, as method of electronic transmission was old and well known at the time of the applicant's invention. Thereby with email, the supplier can receive the PO more rapidly.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 -18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wynn Coggins** can be reached on **(703) 308-1344**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including

After Final communications labeled

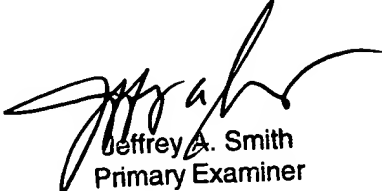
"Box AF"]

**(703) 746-7418** [Informal/Draft communications, labeled

"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal  
Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.

RER



Jeffrey A. Smith  
Primary Examiner